

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN B. COX,

Plaintiff,

vs.

TRACY JOHNSON,

Defendant.

NO. CV-05-5072-EFS

ORDER DENYING LEAVE TO PROCEED *IN*
FORMA PAUPERIS AND DISMISSING
ACTION WITHOUT PREJUDICE

Plaintiff, a prisoner at the Washington State Penitentiary, brings this *pro se* civil rights complaint against his former Counselor at the Washington Correction Center. Plaintiff complains Defendant Johnson told Plaintiff's grandfather about Plaintiff's incarceration, his charges and mental health problems. Aside from the fact this claim arose in the Western District of Washington and should have been brought in that district, Mr. Cox's complaint fails to state a constitutional violation for which relief may be granted. 28 U.S.C. §§ 1915A(b)(1), (2) and 1915(e)(2); *See Barren v. Harrington*, 152 F.3d 1193 (9th Cir. 1998).

Plaintiff has requested leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a). In light of Plaintiff's failure to state a claim upon which relief may be granted, **IT IS ORDERED** the request to proceed

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION WITHOUT PREJUDICE -- 1

1 *in forma pauperis* is **DENIED**. The court finds it would not be in the
2 interests of justice to transfer this action to the Western District
3 of Washington. 28 U.S.C. § 1391 and 28 U.S.C. § 1406. Accordingly, **IT**
4 **IS FURTHER ORDERED** this action is **DISMISSED without prejudice**.

5 **IT IS SO ORDERED.** The District Court Executive is directed to
6 enter this Order, enter judgment, forward a copy to Plaintiff and
7 close the file.

8 **DATED** this 6th day of September 2005.

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10 S/ Edward F. Shea

11 EDWARD F. SHEA
12 UNITED STATES DISTRICT JUDGE
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